THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 4134 OF 2006

Between:

Vattigunta Malakondaiah

S/o Kondappa Naidu, aged about 70 years,

R/o Lakkarajupalli (v), Ananthasagaram (M),

Nellore District and others

PETITIONERS

And:

The District Collector,

Nellore and others

RESPONDENTS

ORAL ORDER :

This writ petition is based on an apprehension. The petitioners are residents of Lakkarajupalli village, Ananthasagaram Mandal, Nellore District. They claim to have lands within the ayacut of Lakkarajupalli Tank. According to the petitioners some rich landlords of Depur village made representations to the respondents to include

certain extents of their lands in the ayacut of Lakkarajupalli Tank. Acceding to their request, the 1st respondent included the lands of Depur village in the ayacut of Lakkarajupalli Tank. The respondents, at the instance of those rich landlords seek to dig a channel through the patta lands of the petitioners to take water to the ponds in Depur village.

In para-5 of the writ petition the petitioners state that respondents 2 to 4 came to their lands about 2 months ago and informed them that they would start the water channel work. The petitioners informed the said respondents that they could not do so without following the law. The petitioners made a representation in this behalf to the 1st respondent. There is however no response. Apprehending that despite the representation and without following the due process of law, the respondents 2 to 4 would dig the channel, the petitioners have filed the present writ petition.

Since the respondents 2 to 4 are not pleaded to have threatened dispossession of the petitioners in these two months, there appears no basis for the petitioners' apprehension that these respondents would proceed to act illegally. In any event if the respondents 2 to 4 proceed to interfere with the petitioners' ownership and possession of the lands, without following the due process of law, the petitioners have ample remedies for seeking injunctive relief against the respondents. At present, however, the writ petition is based on a mere misapprehension warranting no interference under Art. 226. The writ petition is accordingly dismissed.

The petitioners are at liberty to pursue appropriate remedies including before a competent civil court for injunctive or other appropriate reliefs, in case the respondents interfere with their possession illegally and without following the law.

No order as to costs.

Dated 03-03-2006 ----------

Pvsn Justice G. Raghuram